REMARKS

Attached hereto is an Excess Claims Fee letter and fee.

Claims 1-49 are all the claims presently pending in the application. New claim 49 is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability, since it is believed that one of ordinary skill in the art would not agree with the USPTO that the canister data structures provide a directory structure, let alone a directory structure scheme based on properties associated with the images. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge that claims 5-7, 16, 21-23, 28, 32-35, and 44 would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of the claims are allowable over the prior art currently of record, as explained below.

Claims 1-4, 8-14, 17-20, 24-27, 29-32, 36-42, and 45-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tomat, et al. (U.S. Patent No. 6,784,925). Claims 15 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomat, et al.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention, as exemplarily defined in, for example, independent claim 1, is directed to an image information obtaining method in which an image information receiving end can select a desired image file according to information about directories presented by an image information transmitting end and receives an image of the selected image file.

The method includes, at the image information transmitting end, classifying a plurality of images recorded in a recording medium under parameters that represent properties of the plurality of images. Directories are produced, at the image transmitting end,

into which to register image files or file names of the classified images in each parameter. File names are registered as required for each image. A file name for each image is registered under each directory for which any specific parameter applies to said image.

In the image information receiving end, a display is provided of at least a portion of a hierarchical tree structure in accordance with the directories, from which can be selected a desired image file of a desired parameter according to the information about the directories produced by the image information transmitting end. An image of the selected desired image file of the desired parameter is received from the image information transmitting end. The desired image file can be retrieved from any directory in the hierarchical tree structure for which a specific parameter for the desired image file applies.

Conventional methods do not have the feature of the present invention in which a directory system is set up at the transmitting end (e.g., in the camera). Rather, the directory structure, if any, results due to user manipulation in a peripheral device such as a computer upon which is executing an image process application program such as a photo processing application program.

In contrast, the present invention teaches a method in which the camera itself (e.g., the transmitting end apparatus) has the capability of generating the directory structure. There are several advantages of this novel approach, including the ability to select which of the images are to be selectively received, based, for example, on selecting files having only a specific property (e.g., shooting conditions, etc., in an exemplary non-limiting example).

Another advantage is that the receiving end can be a cellular telephone as modified to interact with the transmitting end. The cellular phone can then forward the image to a printer or Internet server.

That is, one important motivation behind the present invention has been that the virtual directory information comprises smaller amount of data, which then can be conveniently transferred and browsed in the cellular phone. The advantage of this is that the transfer of such virtual directory information from the camera ("image information transmitting end") to the phone ("image information receiving end") is faster and consumes less memory especially in the receiving side than transferring/browsing the complete original images.

After selection by the user, the real size image(s) can be pulled to the cellular phone, as necessary. Preferably, the camera also produces thumbnail images and puts this information available to the virtual directories (e.g., see claim 3).

The prior art fails to provide this capability and, indeed, fails to even recognize this problem, let alone provide the unique solution of the present invention.

II. THE PRIOR ART REJECTIONS

The Examiner continues to allege that Tomat teaches the claimed invention as defined by claims 1-4, 8-14, 17-20, 24-27, 29-32, 36-42, and 45-48 and renders obvious the invention defined by claims 15 and 43. Applicants again respectfully disagree and submit that there are elements of the claimed invention which are neither taught nor suggested by Tomat, even if the display of Figure 22 were to be considered indicative of a directory structure within the camera.

That is, although Applicants still consider that one of ordinary skill would not agree with the Examiner's characterization of the hierarchical structure shown in Figure 22 represents a directory structure, Applicants have clarified the claim language to describe that any specific image is selectively retrievable from any directory in the directory hierarchical structure in which the image is registered. Thus, in the present invention, images are listed in as many directories as is appropriate for properties associated with that image, and the image can be retrieved from any of these directories.

The canister data structure shows each image only once in a sequential order, as clearly described in lines 41-51 of column 15. The image data can be retrieved only from this one location in the canister data structure. Moreover, the shell extension module description beginning at line 52 in column 14 indicates that the selective browsing capability is due to the extension of the data files, not to a directory structure based on property attributes and that such browsing is dependent upon the module in the computer connected to the camera, not to any directory generation capability within the camera.

In contrast, the present invention provides a directory structure having each image listed in each directory for which a property of that image applies. Therefore, the image appears under as many directories that are applicable and can be selectively retrieved from any of these directories.

Hence, turning to the clear language of the claims, in Tomat there is no teaching or suggestion of: "...wherein a file name for each image is registered under each directory for which any specific parameter applies to said image ... wherein said desired image file can be retrieved from any said directory in said hierarchical tree structure for which a specific

parameter for said desired image file applies .....", as required by independent claim 1. Independent claims 8, 17, 24, 29, and 36 have similar language.

New claim 49 further describes another exemplary aspect of the nature of the *bona fide* directory structure of the present invention, including its capability of providing virtual directory structures. In this aspect, some of the image property parameters will assume a higher hierarchical status in the directory tree structure for each image while maintaining a file/directory relationship of that image, as shown exemplarily in Figures 10, 11, 17, and 18. Taking as an example to demonstrate this aspect of the present invention, the first image DSCF0001.JPG is a file in directory "VACATION", which is a file/directory relationship for that image. In the example of Figure 10, this file/directory relationship is maintained for all paths to that image for all the directories that are created by the camera for that image. Thus, the "VACATION/DSCF0001.JPG" relationship is maintained for the directories (e.g., QQVGA, QVGA, VGA, SVGA, XGA, Property) that are created based on properties associated with that image DSCF0001.JPG. This image DSCF0001.JPG is accessible by any of these directory paths, as demonstrated by the description beginning at lines 16-21 of page 16 (and description thereinafter). Applicants believe that none of the prior art currently of record suggests this exemplary aspect of the present invention.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggest by Tomat, and the Examiner is respectfully requested to withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicants submit that claims 1-49, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 6/22/06

Frederick E. Cooperrider
Registration No. 36,769

McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254